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NOV 08 2005

PATENT
Case No. FR 000135
(7790/334)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:)	
)	
ARNAUD FIEGEO)	
)	Examiner: D'ADAMO, S. D.
Serial No.: 10/015,843)	
)	Group Art Unit: 3637
Filed: DECEMBER 10, 2001)	
)	
For: HOUSING FOR)	
ELECTRONIC DEVICE)	

APPEAL BRIEF

Mail Stop **Appeal Brief - Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant herewith respectfully presents a Brief on Appeal as follows:

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November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 2 of 21

TABLE OF CONTENTS

	<u>Page</u>
1. REAL PARTY IN INTEREST.....	3
2. RELATED APPEALS AND INTERFERENCES.....	4
3. STATUS OF CLAIMS.....	5
4. STATUS OF AMENDMENTS.....	6
5. SUMMARY OF CLAIMED INVENTION.....	7
6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....	9
7. ARGUMENT.....	10
8. CLAIMS APPENDIX.....	16
9. EVIDENCE APPENDIX.....	None
10. RELATED PROCEEDINGS APPENDIX.....	None

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 3 of 21

1. REAL PARTY IN INTEREST

The real party in interest is the assignee of record U.S. Philips Corporation, a Delaware corporation having an office and a place of business at 1251 Avenue of the Americas, New York, NY 10020-1104.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 4 of 21

2. RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 5 of 21

3. STATUS OF CLAIMS

Claims 11-13 and 17-25 are currently pending in the application and are the claims on appeal. See, the Appendix.

Claims 1-6, 10 and 14-16 have been cancelled.

Claims 7-9 have been withdrawn from consideration.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 6 of 21

4. STATUS OF AMENDMENTS

Appellant did not file an after final request for reconsideration under 37 C.F.R. §1.116 in response to a Final Office Action dated May 5, 2005. Previous amendments to claims 1-25 in response to a Non-Final Office Action dated June 16, 2004, included (1) a cancellation of claims 1-6, 10 and 14-16 without prejudice or disclaimer to the subject matter of claims 1-6, 10 and 14-16; (2) a withdrawal of claims 7-9; and (3) an addition of new claims 17-25, all of which have been entered into the record.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 7 of 21

5. SUMMARY OF THE INVENTION

As illustrated in FIGS. 1-4, the present application provides one embodiment of a housing 10 for an electronic device employing a main body 24, a cover 28 and a L-shaped locking element 46. Main body 24 has an opening 26. Cover 28 is slidable relative to main body 24 between an assembled position for blocking opening 24 as shown in FIG. 2. and a disassembled position for allowing access to opening 24 as shown in FIG. 1. Locking element 46 is moveable between a locked position for locking main body 24 and cover 28 in the assembled position as shown in FIG. 2 and an unlocked position for facilitating a repositioning of main body 24 and cover 28 to the disassembled position. In the assembled position, cover 24 includes one or more hooks 40 extending through opening 26 into main body 24. In the locked position, locking element 46 extends through and into main body 24 and cooperates with hook(s) 40 to lock main body 24 and cover 28 in the assembled position. A guide 44 guides locking element 46 between the locked position and the unlocked position. A retainer 60 retains locking element 46 in the locked position. *See, U.S. Patent Application Serial No. 10/015,843 on page 6, line 3 to page 7, line 29.*

As illustrated in FIGS. 5-11, the present application provides a second embodiment of a housing 10 for an electronic device employing a main body 24, a cover 28 and a U-shaped locking element 46. Main body 24 has an opening 26. Cover 28 is movable relative to main body 24 between an assembled position for blocking opening 24 as shown in FIG. 2. and a disassembled position for allowing access to opening 24 as

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 8 of 21

shown in FIG. 1. Locking element 46 is moveable between a locked position for locking main body 24 and cover 28 in the assembled position as shown in FIG. 2 and an unlocked position for facilitating a repositioning of main body 24 and cover 28 to the disassembled position. In the assembled position, cover 24 includes one or more elastically deformable hooks 40 extending through opening 26 into main body 24. In the locked position, locking element 46 extends through and into main body 24 and cooperates with hook(s) 40 to lock main body 24 and cover 28 in the assembled position. A guide 44 guides locking element 46 between the locked position and the unlocked position. A retainer 60 retains locking element 46 in the locked position. See, U.S. Patent Application Serial No. 10/015,843 on page 8, line 23 to page 9, line 29.

As shown in FIGS. 12 and 13, locking element 46 can include one or more notches 122 cooperating with hook(s) 40 to unlock main body 24 and cover 28 in the unlocked position to thereby facilitate the repositioning of main body 24 and cover 28 to the disassembled position. See, U.S. Patent Application Serial No. 10/015,843 on page 12, line 30 to page 13, line 6.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 9 of 21

6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 11, 12, 18 and 19 stand finally rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,179,737 to *Spakman* et al.

Claims 11-13 and 17-21 stand finally rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,676,175 to *Jaeb* et al.

Claims 13 and 20 under stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,179,737 to *Spakman* et al. in view of U.S. Patent No. 4,148,105 to *Napolitano*.

Claims 22-25 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,676,175 to *Jaeb* et al. in view of U.S. Patent No. 4,979,636 to *Daly*

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 10 of 21

7. ARGUMENT

Sparkman. As best illustrated in FIGS. 1-4, an inventive principle by *Sparkman* is to connect a main body 1 and a cover 3 via lugs 13 and 15 of main body 1 and lugs 17 and 19 of cover 3 embracing a locking element 9, wherein lugs 13 and 15 of main body 1 extend away from an opening of main body 1 defined by aperture grooves 5 and 7 in a side wall of main body 1. See, *Sparkman* at column 1, line 23 to column 2, line 55. As such, lugs 17 and 19 do not extend through and into the opening of main body 1.

Furthermore, another inventive principle of *Sparkman* is to arrange lugs 13, 15, 17 and 19 in a hinge-like manner in terms of how the lugs embrace locking element 9, but not to operate lugs 13, 15, 17 and 19 as a hinge that can move around locking element 9 whereby cover 3 is slewable relative to main body 1.

Jaeb. as illustrated in FIGS. 1-3, an inventive principle of *Jaeb* is to have teeth 50 of lid 14 extend through lock openings defined by teeth 54 of base 12 when base 12 and lid 14 of the security box of *Jaeb* are in the assembled position. However, in direct contradiction to the aforementioned limitations of independent claims 11 and 18, a person still has access to the lock openings defined by teeth 54 of base 12 when base 12 and lid 14 of the security box of *Jaeb* are in the assembled position as best shown in FIGS. 3 and 8. This is unlike the storage opening of base 12 that is blocked by lid 14 when base 12 and lid 14 of the security box of *Jaeb* are in the assembled position, but teeth 50 of lid 14

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 11 of 21

do not extend into the storage opening of base 12 when base 12 and lid 14 of the security box of *Jueb* are in the assembled position

Anticipation. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). See, MPEP §2131.

Group 1: Claims 11, 12, 18 and 19. The Appellant respectfully asserts that *Spakman* fails to disclose, teach or suggest "wherein, in the assembled position, said cover includes at least one hook extending through said opening into said main body" as recited in claims 11, 12, 18 and 19, and "a cover slidable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening" as recited in claims 18 and 19. Withdrawal of the rejection of claims 11, 12, 18 and 19 35 U.S.C. §102(b) as being anticipated by *Spakman* is therefore respectfully requested.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 12 of 21

The Appellant also respectfully asserts that *Jaeb* fails to disclose, teach or suggest "a cover movable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening" as recited in claims 11 and 12, "a cover slewable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening" as recited in claims 18 and 19, and "wherein, in the assembled position, said cover includes at least one hook extending through said opening into said main body" as recited in independent claims 11, 12, 18 and 19. Withdrawal of the rejection of claims 11, 12, 18 and 19 under 35 U.S.C. §102(b) as being anticipated by *Jaeb* is therefore respectfully requested.

Group 2: Claims 13 and 20. The Appellant respectfully asserts that *Jaeb* fails to disclose, teach or suggest "retaining means for retaining said locking element in the locked position" as recited in claims 13 and 20. Withdrawal of the rejection of claims 13 and 20 under 35 U.S.C. §102(b) as being anticipated by *Jaeb* is therefore respectfully requested.

The Appellant also respectfully asserts that *Sparkman* and *Napaolitano* in combination fail to disclose, teach or suggest "retaining means for retaining said locking element in the locked position" as recited in claims 13 and 20. Withdrawal of the rejection of claims 13 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Sparkman* in view of *Napaolitano* is therefore respectfully requested.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 13 of 21

Group 3: Claims 17 and 20. The Appellant respectfully asserts that *Jaeb* fails to disclose, teach or suggest "wherein said locking element includes at least one notch", and "wherein, in the unlocked position, said at least one notch cooperates with said at least one hook to unlock said main body and said cover to thereby facilitate the repositioning of said main body and said cover to the disassembled position" as recited in claims 17 and 20. Withdrawal of the rejection of claims 17-20 under 35 U.S.C. §102(b) as being anticipated by *Jaeb* is therefore respectfully requested.

Group 4: Claims 21-25. The Appellant respectfully asserts that *Jaeb* and *Daly* in combination fails to teach or suggest teaches away "wherein, in the locked position, said locking element extends through and into said main body and cooperates with said at least one elastically deformable hook to lock said main body and said cover in the assembled position" as recited in independent claim 21, "guiding means for guiding said locking element between the locked position and the unlocked position" as recited in claim 22, "retaining means for retaining said locking element in the locked position" as recited in claim 23, "wherein said locking element includes at least one notch", and "wherein, in the unlocked position, said at least one notch cooperates with said at least one hook to unlock said main body and said cover to thereby facilitate the repositioning of said main body and said cover to the disassembled position" as recited in claim 25.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 14 of 21

Withdrawal of the rejection of claims 22-25 under 35 U.S.C. §103(a) as being
unpatentable over *Jaeb* in view of *Daly* is therefore respectfully requested.

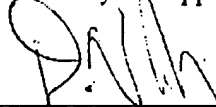
November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 15 of 21

Dated: November 7, 2005

Respectfully submitted,

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November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 16 of 21

CLAIMS APPENDIX

11. A housing for an electronic device, comprising:
- a main body with an opening;
 - a cover movable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening;
 - a locking element moveable between a locked position for locking said main body and said cover in the assembled position and an unlocked position for facilitating a repositioning of said main body and said cover to the disassembled position;
 - wherein, in the assembled position, said cover includes at least one hook extending through said opening into said main body; and
 - wherein, in the locked position, said locking element extends through and into said main body and cooperates with said at least one hook to lock said main body and said cover in the assembled position.
12. The housing of claim 11, further comprising:
- guiding means for guiding said locking element between the locked position and the unlocked position.
13. The housing of claim 11, further comprising:
- retaining means for retaining said locking element in the locked position.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 17 of 21

17. The housing of claim 11,
wherein said locking element includes at least one notch; and
wherein, in the unlocked position, said at least one notch cooperates with said at least one hook to unlock said main body and said cover to thereby facilitate the repositioning of said main body and said cover to the disassembled position.
18. A housing for an electronic device, comprising:
a main body with an opening;
a cover slewable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening;
a locking element moveable between a locked position for locking said main body and said cover in the assembled position and an unlocked position for facilitating a repositioning of said main body and said cover to the disassembled position;
wherein, in the assembled position, said cover includes at least one hook extending through said opening into said main body; and
wherein, in the locked position, said locking element extends through and into said main body and cooperates with said at least one hook to lock said main body and said cover in the assembled position.
19. The housing of claim 18, further comprising:

November 7, 2005

Case No. FR 000135 (7790/334)

Serial No.: 10/015,843

Filed: December 10, 2001

Page 18 of 21

guiding means for guiding said locking element between the locked position and the unlocked position.

20. The housing of claim 18, further comprising:

retaining means for retaining said locking element in the locked position.

21. The housing of claim 18,

wherein said locking element includes at least one notch; and

wherein, in the unlocked position, said at least one notch cooperates with said at least one hook to unlock said main body and said cover to thereby facilitate the repositioning of said main body and said cover to the disassembled position.

22. A housing for an electronic device, comprising:

a main body with an opening;

a cover movable relative to said main body between an assembled position for blocking said opening and a disassembled position for allowing access to said opening;

a locking element moveable between a locked position for locking said main body and said cover in the assembled position and an unlocked position for facilitating a repositioning of said main body and said cover to the disassembled position;

wherein, in the assembled position, said cover includes at least one elastically deformable hook extending through said opening into said main body; and

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 19 of 21

wherein, in the locked position, said locking element extends through and into said main body and cooperates with said at least one elastically deformable hook to lock said main body and said cover in the assembled position.

23. The housing of claim 22, further comprising:

guiding means for guiding said locking element between the locked position and the unlocked position.

24. The housing of claim 22, further comprising:

retaining means for retaining said locking element in the locked position.

25. The housing of claim 22,

wherein said locking element includes at least one notch; and

wherein, in the unlocked position, said at least one notch cooperates with said at least one elastically deformable hook to unlock said main body and said cover to thereby facilitate the repositioning of said main body and said cover to the disassembled position.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 20 of 21

EVIDENCE APPENDIX

None.

November 7, 2005
Case No. FR 000135 (7790/334)
Serial No.: 10/015,843
Filed: December 10, 2001
Page 21 of 21

RELATED PROCEEDINGS APPENDIX

None.